REPORTS OF COMMITTEES

The following report of committee was submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2432. A bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes (Rept. No. 105-334).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee was submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Timothy B. Dyk of the District of Columbia, to be United States Circuit Judge for the Federal Circuit.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2469. A bill to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

S. 2470. A bill to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

By Mr. COVERDELL (for himself and Mr. TORRICELLI):

S. 2471. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion from gross income for dividends and interest received by individuals; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. DASCHLE, Mr. SMITH of Oregon, Mr. BAUCUS, Mr. CRAIG, Mr. JOHNSON, and Mr. BURNS):

S. 2472. A bill to amend the Federal Land Policy and Management Act of 1976 to exempt the holder of a right-of-way on public lands granted, issued, or renewed for an electric energy generation, transmission, or distribution system from certain strict liability requirements otherwise imposed in connection with such a right-of-way; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 2473. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses; to the Committee on Finance.

By Mr. DASCHLE (for Mr. HOLLINGS): S. 2474. A bill to direct the Secretary of the Interior to make corrections to certain maps relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

By Mr. D'AMATO:

S. 2475. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to protect the rights of participants and beneficiaries of terminated pension plans; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. DEWINE, Mr. HUTCHINSON, and Mr. BROWNBACK):

S. 2476. A bill for the relief of Wei Jengsheng; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI:

S. Res. 276. A resolution expressing the sense of the Senate that the President should reimburse the American taxpayer for costs associated with the Independent Counsel's investigation of his relationship with Ms. Monica Lewinsky; to the Committee on the Judiciary.

By Mr. INOUYE (for himself, Mr. Akaka, Mr. Stevens, Mr. Hatch, Mr. Byrd, Mr. Thomas, Mr. Hollings, Mr. Roth, Mr. Ford, Mrs. Boxer, Mr. Murkowski, and Mr. Sessions):

S. Res. 277. A resolution expressing the sense of the Senate with respect to the importance of diplomatic relations with the Pacific Island nations; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. DASCHLE, Mr. SMITH of Oregon, Mr. BAUCUS, Mr. CRAIG, Mr. JOHNSON, and Mr. BURNS):

S. 2472. A bill to amend the Federal Land Policy and Management Act of 1976 to exempt the holder of a right-of-way on public lands granted, issued, or renewed for an electric energy generation, transmission, or distribution system from certain strict liability requirements otherwise imposed in connection with such a right-of-way; to the Committee on Energy and Natural Resources.

RIGHTS-OF-WAY LEGISLATION

• Mr. WYDEN. Mr. President, I am pleased to be joined by Senators DASCHLE, SMITH of Oregon, BAUCUS, BURNS, JOHNSON, and CRAIG, in introducing legislation making an important adjustment to the way the Government manages rights-of-way over federal lands. The provisions in this bill address the situation involving liability standards for electric utilities that utilize federal rights-of-ways to provide electricity to rural communities.

I am pleased to be working on this issue with my good friends and colleagues from Oregon, BOB SMITH and PETER DEFAZIO. Chairman SMITH has introduced similar legislation in the House of Representatives, which received a hearing in the House Resources Committee earlier this year. During that hearing, one of my constituents, Mr. Bill Kopacz of Midstate Electric in LaPine, Oregon testified on the need to reform the current federal policy of requiring strict liability for fires that occur in right-of-ways.

Under strict liability, the holder of a right of way is responsible for all injury, loss, or damage, including fire suppression costs, caused by the holder of the right of way without regard to the holder's negligence.

The problem that this legislation addresses is best illustrated by the experience of the Midstate Electric Cooper-

ative of LaPine, Oregon.

As a matter of prudent maintenance, Midstate trims or removes trees on right-of-ways that pose a risk of falling onto electric lines. On federal rightsof-way, the cooperative consults with the appropriate land management agency—which of course must approve these management actions. After proposing the removal of a number of trees on a Forest Service right-of-way in 1984, Midstate was told by the agency that it could cut some down, but had to leave other specified trees standing. Of course the predictable happened—one of the trees that Midstate had proposed cutting, which the Forest Service had refused to allow to be removed, fell into a power line and started a fire.

In the end it cost more than \$326,850 to put that fire out—and Midstate Electric got the bill. Since the fire resulted from a management decision of the Forest Service, Midstate went to court in an attempt to appropriately assign the financial liability of fighting the fire. Midstate lost the court action because of a ruling which interpreted right-of-way contracts as holding the co-op and other right-of-way lessees to a strict liability standard.

The 1976 Federal Land Policy and Management Act provided federal agencies with the authority to impose strict liability for costs associated with hazards on federal lands. Prior to 1976, agencies recovered costs associated with hazards, such as costs required to put out a fire, on the basis of

normal negligence.

This bill would replace that strict liability standard in favor of a normal negligence standard that is routinely used in private right-of-way contracts. The new standard will say: if you caused it, you are responsible for it. Rural electric cooperatives, investorowned utilities and municipalities are not looking to pass the buck to the American taxpaver. If they are negligent in maintaining federal rights-ofway, they should bear the responsibility. However, by enforcing any standard more rigid than that, the land management agencies are purposefully transferring cost to private citizens.

The minimum impact of the current strict liability policy is higher electric rates for those rural communities who live in close proximity to public lands. The possibility exists, however, of even more punitive impacts in the form of the loss of insurance coverage for entities with federal rights-of-way liability.

In my judgement, this legislation restores an appropriate balance to the shared responsibility of both the land manager and the utility in reducing the natural hazards along a right of